

AMENDED IN SENATE AUGUST 8, 2006

AMENDED IN SENATE JUNE 15, 2006

AMENDED IN ASSEMBLY MAY 16, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

AMENDED IN ASSEMBLY MARCH 30, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 3004

Introduced by Assembly Member Houston

February 24, 2006

An act relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 3004, as amended, Houston. Vehicles: enforcement.

Existing law requires, except in certain specified circumstances, a traffic officer on duty for the exclusive or main purpose of enforcing laws related to traffic accidents and rules of the road, to wear a full distinctive uniform, and to use a motor vehicle that is painted a distinctive color, as specified by the Commissioner of the California Highway Patrol.

This bill would express the intent of the Legislature that the Commissioner of the California Highway Patrol should amend a particular regulation regarding distinctively painted motor vehicles, including patrol vehicles and motorcycles, used by police and traffic officers in order to address a particular concern occurring in Alameda County.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) It is the intent of the Legislature that the
2 Commissioner of the California Highway Patrol should amend
3 Section 1141 of Title 13 of the California Code of Regulations
4 regarding distinctively painted motor vehicles, including patrol
5 vehicles and motorcycles, used by police and traffic officers to
6 accomplish the ~~purposes of this section~~ *enforcement of Sections*
7 *23152 and 23153 of the Vehicle Code*. There is a current
8 emergency in the County of Alameda regarding the use of
9 distinctively marked patrol vehicles and motorcycles. The dark
10 blue painted patrol vehicles and motorcycles currently used by
11 the Alameda County Sheriff's Office do not meet the
12 specifications of Section 1141 of Title 13 of the California Code
13 of Regulations. Local courts have indicated that they will
14 consider dismissing driving under the influence charges if the
15 defense raises the issue regarding the color of these motor
16 vehicles. It is the intent of the Legislature to ensure that all
17 distinctively painted patrol vehicles and motorcycles used by
18 police and traffic officers in Alameda County, as well as other
19 jurisdictions, are authorized to enforce *Sections 23152 and 23153*
20 *of the Vehicle Code*. *Nothing in this section is intended to*
21 *diminish the ability of the public to identify these vehicles as law*
22 *enforcement patrol vehicles and motorcycles*.

23 (b) Regulations to address the concerns expressed in
24 subdivision (a) should be adopted by the Commissioner of the
25 California Highway Patrol in accordance with Chapter 3.5
26 (commencing with Section 11340) of Part 1 of Division 3 of Title
27 2 of the Government Code. The adoption of an amendment to
28 Section 1141 of Title 13 of the California Code of Regulations,
29 as an emergency regulation, is necessary to address an
30 emergency and shall be considered by the Office of
31 Administrative Law to be necessary for the immediate
32 preservation of the public peace, health, safety, and general
33 welfare.

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